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OFFICE OF PETITIONS

In re Application of :
Martin B. Nilsson et al :
Application No. 09/865,163 : DECISION GRANTING PETITION
Filed: May 23, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. S0006-003001 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed September 18, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 19, 2003. A Notice of Abandonment was mailed on November 30, 2004.

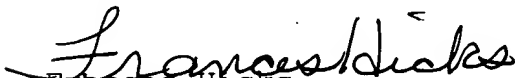
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a request for continued examination (RCE), \$395 fee therefor, and submission pursuant to 37 CFR 1.114; (2) the petition fee; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the final Office action of September 18, 2003 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such

inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2677 for processing of the RCE and for consideration of the concurrently filed amendment and request under 37 CFR 1.48 for correction of inventorship.


Frances Hicks
Petitions Examiner
Office of Petitions